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Supervisor, Patent Prosecution Services
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In re Application of ROQUINY
U.S. Application No.: 10/532,018
PCT Application No.: PCT/EP03/50745
Int. Filing Date: 22 October 2003
Priority Date Claimed: 22 October 2002
Attorney Docket No.: 4004-069-30 NATL
For: ELECTRICALLY HEATABLE SOLAR
REFLECTIVE COATED GLAZING . . .

DECISION

This is in response to applicant's "Response to Notification of Missing Requirements" filed 21 November 2005.

BACKGROUND

On 22 October 2003, applicant filed international application PCT/EP03/50745, which claimed priority of an earlier European Patent Office application filed 22 October 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired on 22 April 2005.

On 20 April 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 September 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 November 2005, applicant filed the present response, requesting that the Notification of Missing Requirements be vacated.

DISCUSSION

The response states that a proper declaration under PCT Rule 4.17 was filed in international application PCT/EP03/5074. However, the declaration does not properly identify the application to which it is directed. In particular, the language of the declaration states "This declaration is directed to the international application of which it forms a part (if filing declaration with application)." Because the declaration was filed on a date later than the international filing date, the declaration did not properly reference the international application. The purported unambiguous notation of the international application number was not present at the time the declaration was filed.

CONCLUSION

For the reasons above, the request is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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